

FILED
2020 JUN 17 PM 3:30
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO (DAYTON)

IN RE:

TAGNETICS INC.

INVOLUNTARY DEBTOR

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CASE NO. 19-30822

CHAPTER 7

**NOTICE OF WITHDRAWAL OF MOTION TO HOLD TAGNETICS IN CRIMINAL
CONTEMPT**

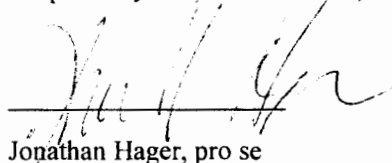
FROM: Jonathan Hager, Kenneth Kayser, and Ronald Earley

On May 19, 2020 the Petitioning Creditors filed a Motion to Hold Tagnetics in Criminal Contempt (doc. 181). The motion was filed since the prior action of the Court finding Tagnetics in Civil Contempt did not yield any response from Tagnetics. The Petitioning Creditors now file this Notice to inform the Court that they will be withdrawing the previously filed Motion to Hold Tagnetics in Criminal Contempt for the following reasons.

The filing of the Motion was not disingenuous as its motivation was to inform the Court that Tagnetics had not complied with its orders and asked the Court to consider other ways to simply collect the payments from Tagnetics. The recent Court Order (doc. 194) stated the Court will be establishing an evidentiary hearing to revisit the civil contempt matter. In light of this withdrawal, the Petitioning Creditors ask that this topic return to the scheduled hearing so that we may identify and resolve any roadblocks that have prevented Tagnetics from executing the *Order Granting in Part Tagnetics' Motion to Enforce Settlement Agreement and Ordering Other Matters* [Doc. No. 119]. Our only goal has always been to collect on the agreed settlement.

Another reason for this withdrawal is that the pro se parties determined it would be difficult to generate a memoranda with a conclusive position. We have found there is significant uncertainty in the literature and case law regarding whether the Bankruptcy Court has the authority to issue a criminal sanction. Many Districts have not concluded whether the Bankruptcy Court does or does not have the authority, the latitude held by the Court is also unclear. The Petitioning Creditors do not wish to tread new ground on this matter which would consume significant time and expense for the Court and the parties involved. If the Bankruptcy Court has the authority to issue the sanction it is less clear it has the authority to conduct a criminal contempt proceeding. The anticipated delays regarding this process would contradict the Petitioning Creditors goal to bring this matter to a close and have Tagnetics provide the agreed payments.

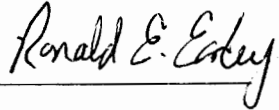
Respectfully submitted June 17, 2020,



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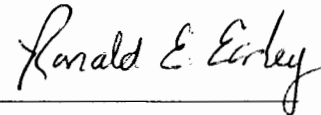
Email: drkwkayser@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2020, a copy of the foregoing, a copy of the foregoing Notice of Withdrawal of Motion to Hold Tagnetics in Criminal Contempt was (i) submitted to the Clerk of the Court at the Courthouse and (ii) electronically by email to counsel for Tagnetics, Inc. and (iii) mailed to the Office of the Trustee.

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MaryAnne Wilsbacher
Office of the United States Trustee
170 North High Street
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Columbus, OH 43215

A handwritten signature in black ink, reading "Ronald E. Earley". The signature is written in a cursive style with a horizontal line underneath it.

Ronald E. Earley, pro se



DROP BOX FILING INSTRUCTIONS
FOR NON-EMERGENCY FILINGS

1. Place the document for filing or payment to the Clerk's Office in the envelope.

IF YOU ARE MAKING A PAYMENT: CASH IS NOT ACCEPTED. THE CLERK'S OFFICE IS NOT RESPONSIBLE FOR ANY CASH PLACED IN THE DROP BOX. ALL PAYMENTS SHALL BE MADE BY MONEY ORDER OR CERTIFIED FUNDS. PLEASE INCLUDE THE CASE NUMBER AND DEBTOR'S NAME ON ALL FORMS OF PAYMENT. PAYMENTS SHALL BE MADE PAYABLE TO "CLERK, U.S. BANKRUPTCY COURT."

2. Seal the envelope and complete the following information:

CASE NUMBER: 13-30822

DEBTOR NAME: TAGNETICS INC

YOUR NAME: RONALD E EARLEY PROPR

(If different than the debtor name)

ADDRESS: 6929 WINDING TREE DR

DOCUMENT FOR FILING: NOTICE OF WITHDRAWAL OF MOTION TO HOLD THEM...

PAYMENT AMOUNT (If applicable): _____

PURPOSE OF THE PAYMENT: _____

FORM OF PAYMENT: ☐ Money Order ☐ Certified Check ☐ Other _____

Please Specify

NOTES: _____

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